

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 9930
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare imposing a three month disqualification from Food Stamps on her household. The issue is whether the petitioner's husband voluntarily quit his job without good cause.

FINDINGS OF FACT

The petitioner lives with her husband and her children. On May 3, 1990, the petitioner's husband was hired as an attendant at a gas station. The husband's employer testified that the job entailed a "guarantee" of at least twenty hours of work per week.

The petitioner's husband worked until May 15, 1990. The employer testified that a few days later, the petitioner came in to drop off her husband's keys and told the employer her husband wouldn't be working anymore.

The petitioner testified (her husband did not appear at the hearing) that her husband had not been scheduled to work from May 15th to May 30th. She stated that on May 29th, she received a phone call from another worker at the gas station asking her husband to cover his shift on May 30th. Since her

husband was not home, the petitioner told the caller to call back. According to the petitioner, the caller "harassed" them by calling several times that day and into the night. The petitioner stated that her husband called his supervisor the next morning and asked him to "straighten out" the matter. The petitioner stated that when the supervisor did not call back, her husband did not go to work. The petitioner testified that she, herself, took back her husband's keys a few days after May 30th.

The hearing officer deemed the petitioner's testimony highly incredible. The petitioner undercut her own credibility (regarding the "harassing" phone call) by stating that she needed her husband at home on May 30th to deal with her unruly children. The petitioner was unclear of dates, and was generally vague about her husband's reasons for not returning to work. Even if all the petitioner's testimony was credited, there appears nothing that would approximate "good cause" for her husband not returning to the job.

At any rate, it is found that the petitioner notified her husband's employer a few days after May 15, 1990, that her husband would not be returning to work. No reason was given, and none can be found. The employer testified (credibly) that the hearing (held on July 31, 1990) was the first time either the petitioner or her husband had

mentioned to him any reason for the husband's leaving the job.

ORDER

The Department's decision is affirmed.

REASONS

Food Stamp Manual § 273.7(n) provides, in part:

"Voluntary Quit

No household whose head of household voluntarily quits his or her most recent job without good cause shall be eligible for participation in the program as specified below. . .

VI. . . the disqualification period shall be for three months or ninety days beginning with the first of the month after all normal procedures for taking adverse action have been followed.

. . .

In this case, the Department has clearly established that the petitioner's husband quit his job at the gas station without any explanation to the employer. The reasons offered by petitioner at the hearing (i.e., the "harassing" phone call from a co-worker and discipline problems with her children) are found not credible as being the basis for her husband's quit. Even if they were credible, however, they would not constitute "good cause" under the regulations.¹ (See F.S.M. § 273.7(n)(3)). The Department's decision is affirmed.

FOOTNOTES

¹There was no claim either that the phone calls intimidated or otherwise prevented the petitioner's husband from going to work, or that the children or the family would have suffered if the petitioner's husband continued working.